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# The League of Nations

## THE TENTATIVE DRAFT OF ITS CONSTITUTION

[This historic document, a "Magnissima Charta" it has been aptly called, was formally presented to the Conference, February 14, at a plenary session, the report being made from the Conference's commission on a plan for a League of Nations and read by President Wilson. He said that he was happy to say that it was a unanimous report from the representatives of fourteen nations. As from time to time he finished the reading of an article of the proposed constitution, he interjected explanatory remarks. With the reading of the last words of the covenant he did not stop, but proceeded with a characteristic description of the methods by which the result had been achieved and of the aims of the makers of the world's organic law. Lord Robert Cecil, head of the British Commission on the League of Nations followed with suitable congratulatory remarks, as did Vittorio Orlando, Leon Bourgeois, E. Venizelos, Baron Makino and V. K. Wellington Choo, speaking for Italy, France, Greece, Japan, and China. Australia's premier, William Hughes, insisted that the provisions of the document needed debate, and was assured that full opportunity for discussion would be given. With adjournment President Wilson at once set about his return to the United States, which he compassed without untoward happenings. On landing at Boston he there expounded in an able speech the meaning of the League's Constitution and its relation to past and present national policies.—Ed.]

Preamble—In order to promote international co-operation and to secure international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized people with one another, the powers signatory to this covenant adopt this constitution of the League of Nations:

### Article I.

The action of the high contracting parties under the terms of this covenant shall be affected through the instrumentality of a meeting of a body of delegates representing the high contracting parties, of meetings at more frequent intervals of an executive council, and of a permanent international secretariat to be established at the seat of the League.

### Article II.

Meetings of the body of delegates shall be held at stated intervals and from time to time as occasion may require for the purpose of dealing with matters within the sphere of action of the League. Meetings of the body of delegates shall be held at the seat of the League or at such other places as may be found convenient and shall consist of representatives of the high contracting parties. Each of the high contracting parties shall have one vote, but may have not more than three representatives.

### Article III.

The executive council shall consist of representatives of the United States of America, the British Empire, France, Italy, and Japan, together with representatives of four other States, members of the League. The selection of these

four States shall be made by the body of delegates on such principles and in such manner as they think fit. Pending the appointment of these representatives of the other States, representative of (blank left for names) shall be members of the executive council.

Meetings of the council shall be held from time to time as occasion may require and at least once a year at whatever place may be decided on, or failing any such decision, at the seat of the League, and any matter within the sphere of action of the League or affecting the peace of the world may be dealt with at such meetings.

Invitations shall be sent to any power to attend a meeting of the council at which such matters directly affecting its interests are to be discussed and no decision taken at any meeting will be binding on such powers unless so invited.

### Article IV.

All matters of procedure at meetings of the body of delegates or the executive council including the appointment of committees to investigate particular matters shall be regulated by the body of delegates or the executive council and may be decided by a majority of the States represented at the meeting.

The first meeting of the body of delegates and the executive council shall be summoned by the President of the United States of America.

### Article V.

The permanent secretariat of the League shall be established at (blank), which shall constitute the seat of the League. The secretariat shall comprise such secretaries and staff as may be required, under the general direction and control of a secretary general of the League, who shall be chosen by the executive council; the secretariat shall be appointed by the secretary general subject to confirmation by the executive council.

The secretary general shall act in that capacity at all meetings of the body of delegates or of the executive council.

The expenses of the secretariat shall be borne by the States members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

### Article VI.

Representatives of the high contracting parties and officials of the League when engaged in the business of the League shall enjoy diplomatic privileges and immunities and the buildings occupied by the League or its officials or by representatives attending its meeting shall enjoy the benefits of extraterritoriality.

### Article VII.

Admission to the League of States not signatories to the covenant and not named in the protocol hereto as States to be invited to adhere to the covenant, requires the assent of not less than two-thirds of the States represented in the body of delegates and shall be limited to fully self-governing countries, including dominions and colonies.

No State shall be admitted to the League unless it is able to give effective guarantees of its sincere intention to observe its international obligations and unless it shall conform to such principles as may be prescribed by the League in regard to its naval and military forces and armaments.

## Article VIII.

The high contracting parties recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations, having special regard to the geographical situation and circumstances of each State; and the executive council shall formulate plans for effecting such reduction. The executive council shall also determine for the consideration and action of the several governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the program of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the executive council.

The high contracting parties agree that the manufacture by private enterprise of munitions and implements of war lends itself to grave objections and direct the executive council to advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those countries which are not able to manufacture for themselves the munitions and implements of war necessary for their safety.

The high contracting parties undertake in no way to conceal from each other the condition of such of their industries as are capable of being adapted to warlike purposes or the scale of their armaments, and agree that there shall be full and frank interchange of information as to their military and naval programs.

## Article IX.

A permanent commission shall be constituted to advise the League on the execution of the provisions of Article VIII, and on military and naval questions generally.

## Article X.

The high contracting parties shall undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the League. In case of any such aggression, or in case of any threat or danger of such aggression, the executive council shall advise upon the means by which the obligation shall be fulfilled.

## Article XI.

Any war or threat of war, whether immediately affecting any of the high contracting parties or not, is hereby declared a matter of concern to the League and the high contracting parties reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the high contracting parties to draw the attention of the body of delegates or of the executive council to any circumstances affecting international intercourse which threatens to disturb international peace or the good understanding between nations upon which peace depends.

## Article XII.

The high contracting parties agree that should disputes arise between them which cannot be adjusted by the ordinary processes of diplomacy, they will in no case resort to war without previously submitting the questions and matters involved either to arbitration or to inquiry by the executive council and until three months after the award by the arbitrators or a recommendation by the executive council, and that they will not even then resort to war as against a member of the League which complies with the award of the arbitrators or the recommendation of the executive council.

In any case under this article the award of the arbitrators shall be made within a reasonable time and the recommenda-

tion of the executive council shall be made within six months after the submission of the dispute.

## Article XIII.

The high contracting parties agree that whenever any dispute or difficulty shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole matter to arbitration. For this purpose the court of arbitration to which the case is referred shall be the court agreed on by the parties or stipulated in any convention existing between them. The high contracting parties agree that they will carry out in full good faith any award that may be rendered. In the event of any failure to carry out the award, the executive council shall propose what steps can best be taken to give effect thereto.

## Article XIV.

The executive council shall formulate plans for the establishment of a permanent court of international justice and this court shall, when established, be competent to hear and determine any matter which the parties recognized as suitable for submission to it for arbitration under the foregoing article.

## Article XV.

If there should arise between States members of the League any dispute likely to lead to rupture, which is not submitted to arbitration as above, the high contracting parties agree that they will refer the matter to the executive council; either party to the dispute may give notice of the existing of the dispute to the secretary general, who will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties agree to communicate to the secretary general, as promptly as possible, statements of their case with all the relevant facts and papers, and the executive council may forthwith direct the publication thereof. Where the efforts of the council lead to the settlements of the dispute a statement shall be published indicating the nature of the dispute and the terms of settlement together with such explanations as may be appropriate. If the dispute has not been settled, a report by the council shall be published, setting forth with all necessary facts and explanations the recommendation which the council thinks just and proper for the settlement of the dispute.

If the report is unanimously agreed to by the members of the council other than the parties to the dispute, the high contracting parties agree that they will not go to war with any party which complies with the recommendations and that if any party shall refuse so to comply the council shall propose measures necessary to give effect to the recommendations. If no such unanimous report can be made it shall be the duty of the majority and the privilege of the minority to issue statements indicating what they believe to be the facts and containing the reasons which they consider to be just and proper.

The executive council may in any case under this article refer the dispute to the body of delegates. The dispute shall be so referred at the request of either party to the dispute, provided that such request must be made within fourteen days after the submission of the dispute. In a case referred to the body of delegates all the provisions of this article and of Article XII, relating to the action and powers of the executive council shall apply to the action and powers of the body of delegates.

## Article XVI.

Should any of the high contracting parties break or disregard its covenants under Article XII it shall thereby *ipso facto* be deemed to have committed an act of war against all the other members of the League, which hereby under-

takes immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State, and the nationals of any other State, whether a member of the League or not.

It shall be the duty of the executive council in such case to recommend what effective military or naval force the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The high contracting parties agree, further, that they will mutually support one another in the financial and economic measures which may be taken under this article in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will afford passage through their territory to the forces of any of the high contracting parties who are co-operating to protect the covenants of the League.

#### Article XVII.

In the event of disputes between one State a member of the League and another State which is not a member of the League, or between States not members of the League, the high contracting parties agree that the State or States not members of the League shall be invited to accept the obligations of membership in the League for the purpose of such dispute, upon such conditions as the executive council may deem just, and upon acceptance of any such invitation the above provisions shall be applied, with such modifications as may be deemed necessary by the League.

Upon such invitation being given, the executive council shall immediately institute an inquiry into the circumstances and merits of the dispute and recommend such action as may seem best and most effectual in the circumstances.

In the event of a power so invited refusing to accept the obligations of membership in the League for the purposes of the League, which in the case of a State a member of the League would constitute a breach of Article XII, the provisions of Article XVI shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purpose of such dispute, the executive council may take such action and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

#### Article XVIII.

The high contracting parties agree that the League shall be intrusted with general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest.

#### Article XIX.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world there should be applied the principle that the well being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in the constitution of the League.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and that this tutelage should be exercised by them as mandatories on behalf of the League.

The character of the mandates must differ according to the stage of the development of the people, the geographical

situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development which their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory power.

Other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory, subject to conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses, such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other members of the League.

There are territories, such as Southwest Africa and certain of the South Pacific Isles, which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the mandatory States and other circumstances can be best administered under the laws of the mandatory State as integral portions thereof, subject to the safeguards above mentioned, in the interests of the indigenous population.

In every case of mandate, the mandatory State shall render to the League an annual report in reference to the territory committed to its charge.

The degree of authority, control or administration to be exercised by the mandatory State shall if not previously agreed upon by the high contracting parties in each case be explicitly defined by the executive council in a special act or charter.

The high contracting parties further agree to establish at the seat of the League a mandatory commission to receive and examine the annual reports of the mandatory powers and to assist at the League in insuring the observance of the terms of all mandates.

#### Article XX.

The high contracting parties will endeavor to secure and maintain fair and humane conditions of labor for men, women and children both in their own countries and in all countries to which their commercial and industrial relations extend, and to that end agree to establish as part of the organization of the League a permanent bureau of labor.

#### Article XXI.

The high contracting parties agree that provision shall be made through the instrumentality of the League to secure and maintain freedom of transit and equitable treatment for the commerce of all States members of the League, having in mind, among other things, special arrangements with regard to the necessities of the regions devastated during the war of 1914-1918.

#### Article XXII.

The high contracting parties agree to place under the control of the League of international bureaus general treaties if the parties to such treaties consent. Furthermore, they agree that such international bureaus to be constituted in future shall be placed under control of the League.

#### Article XXIII.

The high contracting parties agree that every treaty or international engagement entered into hereafter by any State member of the League shall be forthwith registered

with the secretary general and as soon as possible published by him, and that no such treaty or international engagement shall be binding until so registered.

#### Article XXIV.

It shall be the right of the body of delegates from time to time to advise the reconsideration by State members of the League of Treaties which have become inapplicable, and of international conditions of which the continuance may endanger the peace of the world.

#### Article XXV.

The high contracting parties severally agree that the present covenant is accepted as abrogating all obligations *inter se* which are inconsistent with the terms thereof, and solemnly engage that they will not hereafter enter into any engagement inconsistent with the terms thereof. In case any of the powers signatory hereto or subsequently admitted to the League shall, before becoming a party to this covenant, have undertaken any obligations which are inconsistent with the terms of this covenant, it shall be the duty of such power to take immediate steps to procure its release from such obligations.

#### Article XXVI.

Amendments to this covenant will take effect when ratified by the States whose representatives compose the executive council and by three-fourths of the States whose representatives compose the body of delegates.

### A NEW BILL OF RIGHTS.

Hon. Newton D. Baker, Secretary of the Department of War,  
U. S. A.\*

"There are those who say 'but this will not prevent war; when national passions are aroused treaties are forgotten and self-imposed restraints broken over.' This may be true, but it is at least possible that if we write the record of the judgment of this generation it will have some weight with those who are to come after us; that it will be an admonition to the new world that is in the making of the experience the old world has had; that it will become a cornerstone in the national policies of the civilized peoples; that their children will read it in their school books about Government, and that gradually it will become a commonplace in the hearts of men that the suffering and sacrifice and loss of war are things to be endured only when liberty itself is at stake, and that no man or group of men dare invoke such weapon as war in any other than a high and consecrated cause.

"This League of civilized peoples is not proposed out of the Cabinets of absolute Ministers, but is rather the passionate demand of the man in the street, the simple and the unsophisticated who know very little of the intrigues and wiles of statescraft, but know a very great deal about the suffering and sacrifice which war entails. For my own part I refuse to be timid about America's capacity to do the new things which are needed in a new world. I decline to distrust our purposes or to shrink from moving forward because the road seems wider and higher than roads we have traveled hitherto.

"I do not know what form these arrangements can take. I am not wedded to any particular method of preserving the peace of the world. I do not believe that so great an object can be accomplished by merely adhering to a particular form of words or phrases, but I do most deeply believe that out of the molten heart of this stricken world there can now be cast some structure, some form which will be a permanent memorial to mankind of the raging furnace through which the children of man have in these four years been forced to move, and that the enlightened conscience

of this age can devise a new set of relations which will have in themselves processes by which there can be summoned for the instruction of future generations a memory of the agonies of the western front, a memory which will be potent to restrain those ambitious rivalships, interests, and caprices to which Washington referred, and which are now too insupportably costly to be borne when they loose upon the world the disaster of modern war.

"So far as we in America are concerned, our case is in the hands of our Captain. He stands with head erect in the ancient places of the Old World where other kinds of treaties used to be made, and represents a great and free people. He is the advocate not of a form but of a principle. It may be that there are voices in this country which quiver with hesitation, and here and there timorous uncertainty, but back of him in that council chamber are the voices of the democracies of the world, of the men who labor and of the women who sacrifice; he is by the force of events the spokesman of the democracy of the world, and the compositions of this war will be a new Magna Charta, a new Bill of Rights to liberate the children of the future from the burdens of the past."

### MR. ASQUITH ON THE SOCIETY OF NATIONS.

Mr. Asquith, former Premier of Great Britain and Ireland and still a powerful personal factor in British political life, though temporarily out of office and Parliament, in a meeting in Albert Hall, London, February 2, held to support the ideal of a federation of nations, said:

"Rarely has so great an ideal passed so rapidly into practice. The utterances of President Wilson have placed the League on its true basis and it ought to have no geographical limitations. It fulfils a world-wide need and must have a world-wide organization.

"It has been accepted in principle by the statesmen at the Paris Conference and that in itself has made the war worth fighting. The League must zealously respect the sovereignty of the States, great and small, which are its members within their own domains and over their own affairs.

"The world is not going into liquidation, nor will it hand over the management of its concerns to trustees. Self-determination and self-development must continue to be the only road leading to liberty and progress. No State is to be called upon to sacrifice its personality. Subject to that condition, the League should be recognized as being the ultimate controlling authority over international compacts and disputes.

"Temptations to war must be removed by the prohibition of conscription and the scaling down of armaments. Nationalization or internationalization, in the sense of effective control of the manufacture and transport of munitions, might be necessary as an additional precaution.

"How is the League to make its will effective? We must not be afraid to meet the difficulties of international policing, but there are other weapons, both economic and moral, which are likely to prove more serviceable and effective than the exercise of force. Suppose the League is an impractical policy, what is to take its place?

"If the old system continues new factors are at work. One is the incalculable effect of harnessing science to the chariot of destruction. If there is to be no League we shall be far worse off than before the war."

This greatest of all issues has been tried in the court of war and has been decided in favor of the United States, and the United States is entitled in justice, in morals, in international law, to demand the costs. The time has gone by when the attitude of altruism and generosity in dealing with the great trusts of the governments should be maintained.—Senator Poindexter of Washington, in a speech in the Senate, Dec. 14, criticizing Secretary Daniels for saying that the United States did not intend to collect indemnity from Germany.

\* From an address before Buffalo (N. Y.) Chamber of Commerce.